

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

HEATHER NELSON,

Plaintiff,

v.

**SANTANDER CONSUMER USA, INC.,
PATRICK K. WILLIS CO., INC., d/b/a/
AMERICAN RECOVERY SERVICE, and
ASSETSBIZ CORP., d/b/a ABC
RECOVERY,**

Defendants,

Case No.: 11-cv-307

**SUPPLEMENT TO PLAINTIFF'S
PROPOSED JURY INSTRUCTIONS AND
SPECIAL VERDICT**

SANTANDER CONSUMER USA, INC.,

Counter-Plaintiff,

v.

HEATHER NELSON,

Counter-Defendant.

Since plaintiff filed her proposed jury instructions and special verdicts, she realized that two supplements are necessary to make her original filings accurately reflect the claims to be trial in this action. Plaintiff, Heather Nelson, proposes the Court give the following amended and supplemental jury instructions and amended special verdict.

**I. PLAINTIFF'S AMENDED JURY INSTRUCTION AND SPECIAL
VERDICT REGARDING CIVIL THEFT**

Plaintiff's Amended Proposed Jury Instruction No. 38

Wis. Stat. §§ 895.446 and 943.20.

Civil Theft

Heather Nelson claims that Santander Consumer USA, Inc., American Recovery Service and AssetsBiz Corporation committed civil theft. To prove this claim against an individual defendant, Heather Nelson must prove the following by a preponderance of the credible evidence against that defendant:

The defendant intentionally took and carried away, or retained possession of movable property of another, without the other's consent and with intent to deprive the owner permanently of possession of such property.

If Heather Nelson proves that any of the defendants committed civil theft, she may recover actual damages and exemplary damages of not more than 3 times the amount of actual damages. No additional proof is required for an award of exemplary damages.

Wis. Stat. §§ 895.446 and 943.20.

Supplemental Proposed Verdict Question on Civil Theft Damages (All Defendants)

Plaintiff proposes that the following instruction and question be added as the third question on the civil theft claim for all defendants.

[Instruction.] If you awarded damages to Heather Nelson for civil theft, you may award up to 3 times that amount as exemplary damages.

[Question.] What amount do you award as exemplary damages?

Amount of Exemplary Damages: \$ _____

Wis. Stat. § 895.446(3)

**II. PLAINTIFF'S SUPPLEMENTAL SPECIAL VERDICT REGARDING
SUMMARY JUDGMENT DECISION ON ILLEGAL REPOSSESSION**

Q. Did Santander Consumer USA, Inc. repossess Heather Nelson's truck before giving her a proper notice of right to cure default?

ANSWERED BY THE COURT:

YES X

NO _____

Q. What amount of money did Heather Nelson pay pursuant to the truck loan?

Amount: \$ _____

Respectfully submitted,

Dated this 10th day of May, 2013.

s/ Ivan Hannibal

Mary Catherine Fons, SBN 1017000

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